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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 CHRISTINE RENEE MCLAIN,)
10 Plaintiff,) Civil No. 3:09-cv-05362-JRC
11 v.) DEFENDANT'S ANSWER AND
12 DANIEL N. GORDON, PC,) AFFIRMATIVE DEFENSES
13 Defendant.) JURY DEMAND

14 Defendant Daniel N. Gordon answers the Complaint filed in this matter as follows:

15 1.

16 With respect to paragraph 1, Defendant admits that the Plaintiff is asserting a claim for
17 damages under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter
18 "FDCPA"), the Revised Code of Washington ("RCW") Chapter 19.16, and an ancillary claim for
19 invasion of privacy by intrusion. Defendant denies the remaining allegations in paragraph 1 of
20 the Complaint.

21 2.

22 Defendant lacks sufficient information to either admit or deny paragraph 2 and therefore
23 denies the same.

24 3.

25 Defendant lacks sufficient information to either admit or deny paragraph 3 and therefore
26 denies the same.

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES
(3:09-cv-05362-JRC) – PAGE 1

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1 4.

2 Defendant lacks sufficient information to either admit or deny paragraph 4 and therefore
3 denies the same.

4 5.

5 With respect to paragraph 5, Defendant admits that it is an Oregon corporation and that
6 part of its business is collecting the debts of others by mail and telephone. Defendant lacks
7 sufficient information to either admit or deny the remaining allegations in paragraph 5 and
8 therefore denies the same.

9 6.

10 With respect to paragraph 6, Defendant admits that it is an Oregon corporation and that
11 part of its business is collecting the debts of others by mail and telephone. Defendant lacks
12 sufficient information to either admit or deny the remaining allegations in paragraph 6 and
13 therefore denies the same.

14 7.

15 With respect to paragraph 7, Defendant admits contacting the Plaintiff at various and
16 multiple times prior to the date of the filing of the complaint. Defendant denies the remaining
17 allegations in paragraph 7.

18 8.

19 Defendant denies paragraph 8.

20 9.

21 Defendant denies paragraph 9.

22 10.

23 Defendant answers paragraph 10 as set forth above.

24 11.

25 Defendant answers paragraph 11 as set forth above.

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DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES
(3:09-cv-05362-JRC) – PAGE 2

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12.

Defendant answers paragraph 12 as set forth above.

For its First Affirmative Defense, Defendant alleges:

(Failure to State a Claim for Relief)

13.

Plaintiff has failed to state a claim upon which relief may be granted.

For its Second Affirmative Defense, Defendant alleges:

(Statute of Limitations)

14.

One or more of Plaintiff's claims are barred by the applicable statute of limitations.

For its Third Affirmative Defense, Defendant alleges:

(Bona Fide Error)

15.

To the extent that there is any violation of the FDCPA proven by Plaintiff, any such violation was not intentional, and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

WHEREFORE, Defendant prays for the dismissal of the Complaint with prejudice and for an award of its reasonable costs and disbursements incurred in this matter.

DATED this 20th day of August, 2009.

McEWEN GISVOLD LLP

By: /s/ J. Kurt Kraemer
J. Kurt Kraemer, WSB No. 29509
Of Attorneys for Defendant Daniel N. Gordon, PC